

AMENDMENT TO THE DRAWING(S)

Please find enclosed a replacement sheets for Figs. 1 and 5 for the approval of the Examiner.

REMARKS/ARGUMENTS

Please find enclosed a replacement sheet for Fig. 1, changing the text, labeling the lines linking the box 3 labeled "Core Network" with the boxes 4, 5 labeled "RNC," from "I_u" to "I_u", changing the text, labeling the line linking boxes 4 and 5, from "I_{ur}" to "I_{ur}," and changing the text, labeling the lines linking the boxes 4, 5 with the elements 6, 7, 8, 9 labeled "Node B," from "I_{ub}" to "I_{ub}" to conform to page 1, lines 16, 19; page 3, line 18; and page 15, line 1 of the specification.

Please find enclosed a replacement sheet for Fig. 5 correcting the text appearing on the line labeled reference numeral "S12" from "RRC: ACTIVE SETUP DATE (DCH/DCCH)" to "--RRC: ACTIVE SET UPDATE (DCH/DCCH)--" and the text appearing above the line labeled reference numeral "S13" from "RRC: ACTIVE SETUP DATE COMPLETE (DCH/DCCH)" to "--RRC: ACTIVE SET UPDATE COMPLETE (DCH/DCCH)--" to conform to the specification on page 13, lines 10-14.

Claims 23-46 were rejected under 35 U.S.C. §102(e) as being anticipated by Shimizu, U.S. Patent Application Publication No. US 2004/0235481 A1. Reconsideration of the rejection is respectfully requested.

It is respectfully submitted that the rejection should be withdrawn since Shimizu is not an effective reference, under 35 U.S.C. §102(e), against this application. In particular, this application has a filing date of December 11, 2003. Shimizu has a publication date after December 11, 2003, namely, November 25, 2004. Although Shimizu is based on PCT No. PCT/JP02/02348, according to the front sheet of Shimizu, the filing date of PCT/JP02/02348, March 13, 2002, is only available for purposes of 35 U.S.C. §102(e) if PCT/JP02/02348 was published under Article 21(2) of the Patent Cooperation Treaty in the English language, see also 35 U.S.C. §351(a); Manual of Patent Examining Procedure, §706.02(f)(1), paragraph I.(c)(2), pp. 700-29 - 700-30. PCT/JP02/02348 was not so published in the English language, but rather was published in Japanese, as evidenced by a copy of PCT/JP02/02348, attached hereto for the Examiner's reference.

In view of the foregoing amendments and remarks, allowance of claims 23-46 is respectfully requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 29, 2006:

Max Moskowitz
Name of applicant, assignee or
Registered Representative

Signature

September 29, 2006
Date of Signature

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Respectfully submitted,

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